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ABSTRACT

The pamphlet provides guidelines for the social worker in reporting cases of suspected child abuse and neglect as required by Georgia law. Presented is information on the following topics: overview of the problem, understanding the parent, types of abuse and neglect, the social worker's duty to report, definition of protective services, how to make a report, what happens when a report is made, confidentiality and immunity, and the importance of the social worker. (IM)

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CHILD ABUSE AND NEGLECT

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HANDBOOK for SOCIAL WORKERS in Georgia

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PREFACE

Georgia law requires all social workers, whether in private practice or working in government agencies, to report suspected cases of child abuse or child neglect. Thus, you, as a social worker, are required by law to make a report immediately to the nearest county department of family and children services whenever you suspect that a child was abused or neglected.

This handbook is designed to guide social workers in making these reports. It explains how and when to make a report, what happens when a report is made, and the legal immunity that is provided to all persons reporting in good faith. In addition it offers possible explanations for abuse and neglect and some indicators for identifying high risk families.

THE PROBLEM

The incidence of child abuse and neglect is reaching epidemic proportions. In fiscal year 1975 the State of Georgia identified over 22,000 children as abused, neglected, or exploited. Although the reported number increases each year, many children still go unnoticed.

Neglected and abused children frequently become isolated individuals who re-create for their children the same environment to which they were exposed. In order to break this vicious cycle, it is necessary that these children receive adequate care and services.

Many communities depend solely on social workers to make reports of abuse and neglect.

Social workers have the skills, opportunities, and resources to detect these cases and to make the necessary referrals. It is only through this recognition and referral process that efforts can be made to prevent further damage and suffering.

UNDERSTANDING THE PARENT

Although research does not formulate definitive causes for abuse and neglect, experiences with abusive families provide greater insight and understanding.

Kempe, a pioneer researcher, describes three criteria for abuse: (1) parental potential, (2) the child, and (3) the crisis. Without all three there can be no abuse nor neglect. To intervene effectively one of these criteria must be removed – removing the child or the crisis only temporarily alleviates the problem. Parental potential then becomes the root force which protective service workers must face and understand.

Regardless of our predispositions, abusing or neglectful parents are as much victims as are the children. Some are victims of poverty or illness – others of poor parenting and/or abuse and neglect as children. Most do not willfully hurt their children. Until this fundamental is recognized workers will be ineffective in dealing with these families.

These parents are often very isolated and alone. They trust few people and are frequently defensive. A sensitive worker can overcome these barriers by recognizing one important characteristic – these parents have extremely low senses of self-worth. To criti-

cize or impose values on them undermines developing a trusting relationship. The worker must learn to understand the factors leading to abuse, provide a patient ear, while at the same time protect the child.

Remember that the very child who provokes our pity today has a high potential to abuse his child tomorrow. To reject the parent now is to reject the child 20 years from now . . . understanding is the key to intervention.

TYPES OF ABUSE AND NEGLECT

Abuse and neglect cover many conditions and injuries and differ from one situation to another. Legal definitions constitute broad guidelines for defining these situations; however, further interpretation is often necessary in order to respond to individual cases.

The Georgia Division of Social Services uses the following guides to help workers identify possible abused or neglected children.

Physical Abuse – an overt act against a child by his parent or caretaker resulting in physical injury or illness to the child. Such injuries include bruises, welts, abrasions, gross malnutrition, burns, scaldings, wounds, cuts, punctures, bone fractures, skull fractures, subdural hemorrhage, hematoma and poisoning.

Sexual Abuse – an aggressive sexual act made against a child, 0-18 years, who may or may not be a willing partner. The aggressor is often considerably older and either a member

of the child's immediate, extended, or substitute family or a close family friend or neighbor.

Neglect – a condition that may either result from community and/or parental failure to provide adequately for children or from parental actions that are adverse to the child's welfare. Children who are neglected may be:

1. Malnourished, poorly dressed, without adequate food, shelter, or sleeping arrangements.

2. Exposed to unwholesome, amoral circumstances, situations, or environment.

3. Failing to attend school properly.

4. Frequently unattended (this applies both to children under 12 years and to older children if behavior is detrimental to self or community when left by themselves).

5. Subjected to physically disabled parents who fail to get the child necessary treatment for physical or emotional problems.

6. Experience emotional or parental deprivation or suffer from inhumane treatment.

7. Severely emotionally disturbed

due to continuous friction in the home, marital discord, mentally ill parents, alcoholism/drug addiction.

8. Exploited, overworked.

9. Involved in a dispute over custody.

10. Deserted, abandoned, or a runaway.

In addition to physical abuse, these indicators include emotional deprivation which often has long lasting effects. Children who are aggressive and disruptive or at the other extreme, shy and withdrawn, may suffer from this form of deprivation. Social workers with their professional training, contacts with families, and comprehensive approach to human problems, are in a unique position to recognize and report these cases.

THE SOCIAL WORKERS DUTY TO REPORT

All social workers, including those working in public welfare offices, private agencies, and other settings, are required by law to report cases of abuse and neglect. Georgia Code Section 74-111(a) requires that any social worker: Having cause to believe that a child under the age of 18 has had physical injury or injuries inflicted upon him other than by accidental means by a parent or caretaker, or has been neglected or exploited by a parent or caretaker, or has been sexually assaulted, shall report or cause reports to be made . . . (b) . . . to a child welfare agency providing protective

services, or in the absence of such agency, to an appropriate police authority.

It is not necessary that a social worker know definitely that abuse or neglect is present; the law states that there need only be a cause to believe that such a condition exists.

The law itself does not provide penalties for failure to report. However, it is possible that a person so mandated may face civil liability for any subsequent injuries or deprivations occurring to a child. The statute is designed to protect children and children may have a civil claim against someone who is negligent in protecting their needs.

WHAT ARE PROTECTIVE SERVICES?

Each county's department of family and children services provides protective services to parents and to children at risk. *The philosophy behind each program is to prevent the separation of families and to prevent further abuse or neglect by interrupting the cycle.* Service workers attempt to work within the child's home, teaching the parents better parenting skills and methods for coping with life's pressures. Often the workers are able to link families with other agencies or services which can offer needed resources.

It is important to note that a major goal of protective service programs is to keep the child in his or her home. At times however when a child is in immediate danger or the parents are unresponsive to all efforts to aid in improving the situation, the child may be temporarily removed from his home. Such an action may occur after the service worker

petitions the juvenile court in the interest of the child.

HOW TO MAKE A REPORT

When child abuse or neglect is suspected, the law requires that a social worker make an oral report immediately to a child welfare agency providing protective services, or in its absence, to an appropriate police authority. In most cases the reports are made to the Department of Family and Children Services in the county where the child resides.

Service staff working within the public welfare system may report directly to the appropriate agency. Workers in other settings – hospitals, schools, or other social agencies – are required by law to notify the person in charge of the facility. The director or administrator is then mandated to make a report.

The report includes:

1. The names and addresses of the child and his parents or caretakers (if known);

2. The child's age;

3. The nature and extent of the child's injuries (including any evidence of previous injuries or deprivation);

4. The identity of the perpetrator (if known);

5. Other information that the reporting person believes may be

helpful in establishing the cause of the injuries or of the neglect;

Usually written reports are not required but social workers may be requested to submit additional information.

WHAT HAPPENS WHEN A REPORT IS MADE?

Following the initial report, a protective service worker is assigned the case management including:

1. Further investigation of the circumstances with the reporting source to determine the validity of the report.

2. Initial contact with the parents to evaluate the risk of further injury to the child while in the home.

3. Identification of the family problem(s) which contributed to the abuse or neglect in order to determine the potential for treatment.

4. Activating a course of treatment to stablize and rehabilitate the family, using protective services and appropriate community resources.

5. Evoking the appropriate legal authority when treatment potential is minimal and temporary or permanent removal of the child

is desirable.

If the decision is to remove the child, the agency may either obtain a temporary custody order from the juvenile court or inform the police that action is necessary. The child is then placed away from home pending a preliminary hearing.

CONFIDENTIALITY AND IMMUNITY

Frequently, reporting sources prefer to remain anonymous to the parents. Yet, parents often want to know the source of the complaint. Although, the social workers must explain to the parents that a report will be made and give the purposes for making the report emphasizing the well being of the child and the family, the identity of reporting persons is not released without their permission. Often the anxiety can be minimized if the worker discusses the report in terms of "request or referral for further services."

Social workers, along with any other person making a report, are assured immunity from any liability, civil or criminal, provided that the reports are made in good faith. The law, therefore, does protect the reporting person from both civil and criminal charges so long as the person reports the neglect or abuse without malice.

THE IMPORTANCE OF THE SOCIAL WORKERS DUTY

Social workers find themselves in direct contact with families experiencing stress and by necessity develop skills to assess a family situation and to determine whether there is a

cause to believe neglect or abuse is taking place. When the social worker fulfills his legal and moral responsibilities, we move closer to serving the best interests of the child.

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